

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MOHAMMED ABDUL AZIZ QURAISHI

)
) **Criminal No. 04-10345-NMG**
)
)
)
)

**GOVERNMENT'S OPPOSITION TO MOTION TO RELEASE PASSPORT TO
COUNSEL**

The United States of America hereby opposes the defendant's motion to order the Pre-Trial Services office to release his passport to his counsel upon his surrender to the Board of Prisons, now scheduled for May 25, 2007. As reasons therefore, the government has consulted with the Department of State and Immigration and Customs Enforcement, and recommends that the defendant's passport, as in the case of his co-defendant brothers, be transferred from Pre-Trial Services to the custody of Immigration Customs Enforcement after his surrender. Following their incarceration, the defendants must deal with immigration removal proceedings which will be prosecuted by Immigration and Customs Enforcement. Regardless of the outcome of those proceedings, the passport and necessary travel documents are most appropriately left with the agency responsible for removal of deportable aliens and enforcement of immigration laws. In the event that the defendant is permitted to remain in this country lawfully, then Immigration and Customs Enforcement, in coordination with the Department of State, will safely and appropriately maintain the document until such time as it is appropriate to return to the defendant. In addition to the reasons of efficiency and accountability, this process also avoids the not infrequent occurrence that an alien claims to have lost his/her passport and requests a replacement passport from their native country, upon which they can travel, unbeknownst to the

U.S. government. Such shirking of the removal process can allow an alien to avoid the finality of an immigration judgment, and without an explicit order of removal, which would also defeat the import of the Court's special condition of supervised release to not return to the U.S. if deported. Immigration and Customs Enforcement's retention of the passport with the alien file may even facilitate a timely removal in the event that such deportation is ordered or stipulated. Accordingly, the government respectfully requests that the defendant's motion be denied.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Alope Chakravarty
Alope S. Chakravarty
Assistant U.S. Attorney

DATED: May 16, 2007

I, Alope Chakravarty, certify that I caused a copy of this motion to be served by electronic notice to defense counsel on May 16, 2007.

/s/ Alope Chakravarty
Alope S. Chakravarty
Assistant U.S. Attorney